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One Hundred Eighth Congress  
U.S. House of Representatives  
Select Committee on Homeland Security  
Washington, DC 20515

April 8, 2004

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The Honorable Tom Ridge  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Ridge:

On Wednesday, March 24, 2004, the Federal Bureau of Investigation (FBI) issued a threat advisory indicating that the Texas oil industry might be a target of terror attacks. According to a media account, an FBI official stated that the warning was based on intelligence the FBI had received. The official added, however, that the Bureau did not have any specific or corroborating details, and that the alert was issued to both law enforcement and industry officials "out of an abundance of caution." The FBI official said the FBI in the past year has processed 7,000 threats, adding that similar advisories or threat communications "go out on a daily basis."

Sharing specific, timely information on threats is the most important tool for preventing terrorist attacks. We are concerned, however, by the appearance that this recent FBI advisory was not coordinated with other responsible agencies and that DHS, in particular, played no role in coordinating and disseminating this warning, or providing advice with respect to recommended protective measures.

In enacting the Homeland Security Act of 2002, the Congress recognized the importance of providing a coordinated mechanism at the Federal level for such threat information sharing. Having multiple sources of threat advisories emanating from the Federal government can lead to dangerous confusion among our Nation's state and local first responders and the private sector owners of our critical infrastructures, and to the unnecessary or unreasonable imposition of costs on such governments and other entities.

Accordingly, Section 102(c)(3) of the Homeland Security Act clearly gave the Secretary of Homeland Security the authority and responsibility for "distributing or, as appropriate, coordinating the distribution of warnings and information to State and local government personnel, agencies, and authorities and to the public." Similarly, Section 201(d)(7) gives the Secretary of Homeland Security the authority and responsibility for administering the Homeland Security Advisory System, including "exercising primary

responsibility for public advisories relating to threats to homeland security,” and providing, in coordination with other Federal agencies such as the FBI, “specific warning information, and advice about appropriate protective measures and countermeasures,” to such governmental and private sector entities and the public.

In accordance with these statutory provisions, on April 1, 2004, the FBI and DHS issued a detailed, joint threat advisory, along with recommendations for preventive and other measures, with respect to the threat of terrorist attacks this summer against mass transit systems. We question why a similar process was not used with respect to the March 24 FBI advisory.

Given this inconsistency with respect to the issuance of terrorist threat advisories, we are writing to gain a more complete understanding of the level of coordination between DHS and the FBI on such matters. Accordingly, the Committee requests that, pursuant to Rule XI of the Rules of the House of Representatives and H. Res. 5, the Department of Homeland Security provide the Committee with the following information by April 20, 2004:

1. A description of the interaction between the FBI and DHS with respect to the March 24 and April 1 threat advisories, including the substance and timing of all communications between these agencies with respect to such advisories.
2. An explanation as to why DHS did not issue the March 24 advisory jointly with the FBI, including any concerns with respect to the credibility, specificity, or level of detail available or provided to DHS, and what efforts, if any, DHS undertook to carry out its responsibility for coordinating such an advisory prior to its issuance.
3. A description of any additional or different information DHS provided to state and local governments or the private sector with respect to the subject matter of the March 24 advisory, either before, after, or in conjunction with its issuance by the FBI.
4. A description, if known, of the process utilized by the FBI to disseminate the March 24 advisory, including how this information was distributed to the private sector (including the petrochemical industry), the Texas Coastal Regional Advisory System, and other entities, as well as the public.
5. A description of the formal process utilized by DHS to determine whether to issue such advisories or warnings, and whether to do so by itself or in conjunction with the FBI or other Federal agencies.
6. A description of how DHS and the FBI coordinate such advisories generally, and the process utilized for their dissemination, including how it is determined which agency will issue the advisory and to whom the advisory will be issued (*e.g.*, to law enforcement officials only, to the private sectors potentially affected, to the public, etc.), and protocols for handling disagreements between the two agencies.
7. The number of joint DHS-FBI threat advisories that have been issued since March 2003, and the number of DHS-only and FBI-only threat advisories that have been issued during that time period.

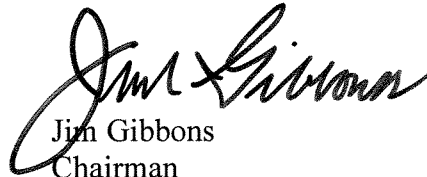
8. A copy of each advisory identified in response to question No. 7.
9. With respect to each FBI-only threat advisory, state whether DHS was consulted by the FBI prior to the issuance of the advisory, and if so, what efforts, if any, DHS undertook to carry out its responsibilities with respect to such an advisory. If not, please provide an explanation as to why DHS was not consulted, and what actions, if any, DHS took after learning of the issuance.
10. A copy of any Memorandum of Understanding or agreement between DHS and the FBI with respect to the issuance of such advisories, and a copy of all communications between the two agencies with respect to the advisories identified in response to question No. 7.
11. A description of any active efforts by DHS to improve coordination or unification of Federal threat advisory or warning systems, including the mechanisms to distribute such information.

Thank you in advance for your timely response to this inquiry. If you have any questions, please have your staff contact Deron McElroy of the Committee staff at (202) 226-8417.

Sincerely,



Christopher Cox  
Chairman



Jim Gibbons  
Chairman  
Subcommittee on Intelligence  
and Counterterrorism

cc: The Honorable Robert Mueller, Director  
Federal Bureau of Investigation  
The Honorable Jim Turner, Ranking Member  
The Honorable Karen McCarthy, Ranking Member  
Subcommittee on Intelligence and Counterterrorism